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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 3taps, Inc.,
15 Plaintiff,
16 vs.
17 LinkedIn Corporation,
18 Defendant.

Case No. 18-cv-00855-EMC

**JUSTICE DECLARATION ISO
DEFENDANT LINKEDIN'S MOTION
TO DISMISS PLAINTIFF'S SECOND
AMENDED COMPLAINT**

Judge: Hon. Edward M. Chen
Hearing Date: October 27, 2022
Hearing Time: 1:30 p.m.
Ctrm: Courtroom 5
Trial Date: None Set

1 I, Daniel Justice, declare as follows:

2 1. I am an attorney admitted to practice in the State of California and the United
3 States District Court for the Northern District of California, and am counsel of record for
4 LinkedIn Corporation. I have personal knowledge of the matters set forth herein and, if called to
5 testify, could and would testify competently thereto. I submit this declaration in support of
6 LinkedIn's Motion to Dismiss Plaintiff's Second Amended Complaint.

7 2. Attached hereto as **Exhibit A** is a true and correct copy of a redacted excerpt of
8 HiQ Labs, Inc.'s January 18, 2018 Series C Preferred Stock Purchased Agreement, produced by
9 hiQ Labs, Inc. to LinkedIn Corporation during discovery in *hiQ Labs, Inc. v. LinkedIn Corp.*,
10 3:17-cv-03301-EMC. hiQ de-designated the unredacted portions of this Exhibit and gave express
11 permission to LinkedIn Corporation to use this Exhibit in this litigation.

12 3. Attached to the Request for Judicial Notice filed herewith as **Exhibit 11** is a
13 printout of the 3taps webpage available at www.3taps.com. I personally accessed this webpage
14 on July 7, 2022 at 9:10AM and printed the contents of the webpage exactly as they appeared on
15 that date and time. I revisited this webpage on August 1, 2022, and it appeared the same as it did
16 when I accessed it on July 7, 2022.

17 4. Attached to the Request for Judicial Notice filed herewith as **Exhibit 12** is a
18 printout of the 3taps webpage available at <https://3taps.com/advocacy.html>. I personally accessed
19 this webpage on July 7, 2022 at 9:14AM and printed the contents of the webpage exactly as they
20 appeared on that date and time. I revisited this webpage on August 1, 2022, and it appeared the
21 same as it did when I accessed it on July 7, 2022.

22 5. Attached to the Request for Judicial Notice filed herewith as **Exhibit 13** is a
23 printout of 3taps's Open Access Manifesto, accessible by clicking on the link titled "3taps
24 Manifesto" on 3taps's "Advocacy" webpage, and also available at [https://3taps.com/images/pics](https://3taps.com/images/pics/430_3taps%20Manifesto.pdf)
25 [/430_3taps%20Manifesto.pdf](https://3taps.com/images/pics/430_3taps%20Manifesto.pdf). I personally clicked on this link and accessed this document on
26 July 7, 2022 at 9:14AM and printed the contents exactly as they appeared on that date and time. I
27 revisited this webpage on August 1, 2022, and it appeared the same as it did when I accessed it on
28 July 7, 2022.

1 6. Attached to the Request for Judicial Notice filed herewith as **Exhibit 14** is a
2 printout of the 3taps webpage available at <https://3taps.com/developers-overview.html>. I
3 personally accessed this webpage on July 7, 2022 at 9:25AM and printed the contents of the
4 webpage exactly as they appeared on that date and time. I revisited this webpage on August 1,
5 2022, and it appeared the same as it did when I accessed it on July 7, 2022.

6 7. Attached to the Request for Judicial Notice filed herewith as **Exhibit 15** is a
7 printout of the screen that appears when clicking on the link for “Documentation” on 3taps’s
8 “Developers” webpage. The URL address for the webpage is docs.3taps.com. I personally
9 accessed this webpage on July 7, 2022 at 9:30AM and printed the contents of the webpage
10 exactly as they appeared on that date and time. I revisited this webpage on August 1, 2022, and it
11 appeared the same as it did when I accessed it on July 7, 2022.

12 8. Attached to the Request for Judicial Notice filed herewith as **Exhibit 16** is a
13 printout of the screen that appears when clicking on the link for 3taps’s “Search API” on 3taps’s
14 “Developers” webpage. The URL address for the webpage is docs.3taps.com/search_api.html. I
15 personally accessed this webpage on July 7, 2022 at 9:26AM and printed the contents of the
16 webpage exactly as they appeared on that date and time. I revisited this webpage on August 1,
17 2022, and it appeared the same as it did when I accessed it on July 7, 2022.

18 9. Attached to the Request for Judicial Notice filed herewith as **Exhibit 17** is a
19 printout of the screen that appears when clicking on the link for 3taps’s “Polling API” on 3taps’s
20 “Developers” webpage. The URL address for the webpage is docs.3taps.com/polling_api.html. I
21 personally accessed this webpage on July 7, 2022 at 9:28AM and printed the contents of the
22 webpage exactly as they appeared on that date and time. I revisited this webpage on August 1,
23 2022, and it appeared the same as it did when I accessed it on July 7, 2022.

24 10. Attached to the Request for Judicial Notice filed herewith as **Exhibit 18** is a
25 printout of the screen that appears when clicking on the link for 3taps’s “Reference API” on
26 3taps’s “Developers” webpage. The URL address for the webpage is
27 docs.3taps.com/reference_api.html. I personally accessed this webpage on July 7, 2022 at
28 9:28AM and printed the contents of the webpage exactly as they appeared on that date and time.

1 I revisited this webpage on August 1, 2022, and it appeared the same as it did when I accessed it
2 on July 7, 2022.

3 I declare under penalty of perjury under the laws of the United States that the foregoing is
4 true and correct.

5 Executed this first day of August 01, 2022, in San Francisco, CA.

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Daniel Justice